

## **Summary**

### **Proposed Ordinance Relating to Building and Land Use Development Regulations**

This summary fulfills the state Growth Management Act and King County Ordinance 13147 requirement for a “plain language summary.”

#### **Background**

King County Land Use and Building Regulations govern the development and use of land and the construction of buildings in unincorporated King County. These regulations fall into a few broad categories: building and fire codes, land segregation (subdivisions, short subdivisions, binding site plans, and boundary line adjustments), permitting and zoning, clearing and grading, and environmental protections (critical areas and shorelines).

Building Codes. The Washington State Building Code Council (SBCC) adopts and updates the statewide building code. The (SBCC) generally updates the building code every three years. King County is generally required to implement this building code, although it may adopt alternative standards in some circumstances. The SBCC last updated the building code in 2009, with an effective date of July 1, 2010. The King County Code has not been amended to reflect the new state building code. The building code is found in several chapters of Title 16.

Land Segregation. Washington state laws establish minimum standards for the approval of subdivisions, short subdivisions, binding site plans, and boundary line adjustments. King County has adopted provisions to fill in the gaps in the state statutes. Land segregation is governed by Title 19A.

Permitting and Zoning. King County's zoning code establishes standards for uses that are allowed within each of the different zoning categories and under what conditions. The zoning code also establishes standards for how development should occur, including minimum parking requirements, setbacks from streets and adjacent properties, landscaping, and other aspects of development that have an impact on the surrounding community. The current zoning code was originally adopted in 1993. The zoning code is found in Title 21A. Permitting is generally governed by Chapter 20.20.

Clearing and Grading. King County's clearing and grading regulations establish standards for when a permit to clear or grade is required. The clearing and grading code is found in Chapter 16.82.

Environmental Protections. King County's Critical Areas and Shoreline Regulations are the primary mechanism used to ensure that development in King County does not result in adverse impacts to important environmental features such as streams, wetlands, wildlife habitat, or the shorelines. The critical areas regulations are found in Chapter 21A.24 and the shoreline regulations are in Chapter 21A.25.

## **Proposed Ordinance Relating to Building and Land Use Development Regulations**

### **Proposed Ordinance**

The proposed ordinance modifies King County building codes and development regulations in the following general ways. A table describing the changes in more detail follows this summary.

**Building Code.** Replaces references to the 2006 International Building Code with references to the 2009 Building Code. Also adds an exemption from the requirement for a building permit for agricultural accessory structures less than 200 square feet.

**Clearing and Grading.** Clarifies when a clearing and grading permit is need to remove trees that pose a risk. If there is an emergency, a clearing and grading permit is not required. If the tree poses a hazard, but there is no emergency, a clearing and grading permit is only required if the tree is located within a critical area or buffer.

**Land Segregation.** The following topics are addressed under land segregation:

- Modify standards for recognizing large lots created after 1937. Lots may not have been subsequently merged into another lot and must have been recognized by DDES prior to 2000.
- Clarify when changes to an application for a subdivision or short subdivision requires a new application and when a proposal to modify an approved subdivision or short subdivision requires a formal modification. Generally, if the change will not result in greater impacts than have already been considered, a new permit or a formal revision is not required.
- Modify provisions governing period that preliminary subdivisions and short subdivisions are valid to conform to 2010 state legislation. Existing King County Code and state law allow seven years between preliminary approval and recording. King County's provision expires in 2012. The state law expires in 2013. In addition, King County requires a written request which is not required under state law.
- Require boundary line adjustments to be consistent with county road standards.

**Zoning and Permitting.** The following zoning and permitting topics are addressed:

- Adds or modifies definitions of family, passive recreation storage, and substantial improvement. The definition of family is amended to recognize domestic partnerships. The definition of substantial improvement is revised to exclude measures taken to mitigate flood hazards as costs to determine whether a structure must be brought into compliance with existing codes.
- Clarifies standards for several permitted uses, including:
  - Rural public infrastructure maintenance facilities
  - Manure digesters
  - Schools
  - Farmers markets and produce stands
- Add restrictions on locating freestanding air conditioners and heat pumps in side yard setbacks
- Clarify and modernize regulations governing communication facilities
- Modify standards for home occupations, including:
  - Prohibiting certain activities as a home occupation

## **Proposed Ordinance Relating to Building and Land Use Development Regulations**

- Requiring person operating a home occupation to file with DDES an agreement to comply with county regulations
- Modify standards for a special district overlay in White Center to allow flexibility in alley setbacks and location of landscaping
- Add provisions to allow an appeal of civil penalties imposed after compliance with a notice and order
- Provide flexibility in application of performance bond requirements and timing of installation of landscaping

Critical Areas. The following critical area topics are addressed:

- Modify definition of "aquatic area" to clarify when water bodies that have been altered in the past are covered
- Add hydroelectric generation facilities as an allowed alteration with conditions and as an alteration exception.
- Add fish farms as an allowed alteration
- Clarify standards for expansion of residences in wetland and aquatic area buffers